IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 708 OF 2003

IN

SUMMARY SUIT NO. 2974 OF 2001

Narendra J. Mistry and ors. .....**Plffs.**
vs.
Suresh K. Shah .....**Defnds.**

Nitin Gangal for the plffs.

K.Sivaramakrishnan for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 20th September, 2005.

P.C. :.

1. The present suit is filed on a dishonoured cheque of sum of Rs.436370/- and the interest thereof of Rs.50,190/- totalling to Rs.4,86,650/-. Learned cousnel appaering for the defneant contends that the cheque was signed in blank and the

plaintiff has wrongfyully fiuled in the same. There is no merits raised in the said defence. However with a view to grant an opporuntiny to defend the suit, I direct the defendant to deposit Rs.4,50,000/- within 4 weeks from today failing plaintiff will be entitled to the decree. The amount so deposited will be invested by the Prothonotary and Senior master in fixed deposits of any nationalised bank initially for a period of three years and renew the same from time to time till further orders.

3. If the amount is paid as aforestated, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

SD/-

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